

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 16, 2012

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Budget

Mr. Ernest Alter of 600 Victory Highway encouraged the Town Council to consider the taxpayers during budget deliberations. The town needs to aggressively cut back on expenditures. Mr. Alter had numerous concerns about the School Department budget including lack of providing documentation to the Town Administrator and he feels their pay and benefits are way out of bounds with the rest of the town and the economy. Spending cutbacks of approximately twenty percent may be needed to help restore property values in this town and attract new business. The Council needs to demand an end to collective bargaining with the public sector unions.

Narragansett Improvement

Mr. William Nangle of 3 Indigo Farm Road was disturbed that the Council had been meeting in executive session and approving a settlement of the lawsuits with Narragansett Improvement.

Mr. Nangle would like to know each Council member's stance on Attorney Patrick Dougherty. If he is not the right person to represent the town in this litigation, then he would like the Council to hire someone and move forward.

Retirement Fund

Mr. Nangle assumed that all Council members were paying into the retirement fund and this shocked him that it is allowed. He urged them not to abide by this.

Council Meetings/Minutes

Ms. Mali Jones of 19 Indigo Farm Road felt the cost of acquiring copies of Council minutes was excessive. She suggested that the town move to digital recordings that can be moved to a server almost immediately and subsequently to the town's website for faster access.

Tax Rate

Mr. George Hemond has done a comparative tax rate analysis of nine northern Rhode Island towns and found that North Smithfield's rate is less than the majority of the other towns.

Appointment of Substitute Assistant Solicitor

Mr. Ken Murphy of 4 Indigo Farm Road did not feel that discussion about appointing a substitute solicitor for police prosecution cases should be held in executive session. He also questioned the need for another solicitor and if the town does need one, would the budget be adjusted accordingly.

REGULAR MEETING

Mrs. Charest read the following disclaimer: “It is the Board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done

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on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping.”

The meeting began at 7:29 P.M. with the prayer and the pledge to the flag. Council members present were Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mrs. Charest. Ms. Alves was unable to attend. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

PUBLIC HEARING ZONING ORDINANCE RE: WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND IMPERVIOUS SURFACES

Ms. Caroly Shumway met with Lorraine Joubert, Scott Rabideau and John Marcantonio on April 6th where some helpful suggestions were made and Ms. Shumway requested that the public hearing be

continued to May 21, 2012.

Mrs. Charest read a letter from Mr. Marcantonio, Executive Director of the Rhode Island Builders Association, opposed to the proposed ordinance and Mr. Zwolenski read a letter supporting the proposed ordinance written by Russell J. Chateuneuf, RIDEM Chief of Groundwater and Wetlands Protection, Office of Water Resources.

Mr. Gary Ezovski of 88 North Main Street believed this ordinance is unnecessary and it will render lots undevelopable. Residents in town who will be impacted by it are not aware of it. Mr. Ezovski feels there is adequate regulation at the state level and the town does not have the resources to make the necessary evaluations and enforce the ordinance. He added that this ordinance does not address cesspools. Mr. Ezovski stated if the town feels this ordinance is necessary, then we should advocate to Mr. Chateuneuf that he needs to do his job.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to continue the public hearing for this ordinance to May 21, 2012.

CONSENT AGENDA

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to remove the Partridge Snow and Hahn invoice from the payment of bills.

Mr. Nadeau explained that there was a duplicate shown in the amount of \$4,899.00 and one should be removed.

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on an aye vote that the total amount due to Partridge Snow and Hahn is \$12,189.00.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to approve the following: 1.) Minutes of March 19, 2012; 2.) Payment of the following bills: General Fund - \$176,612.60; Sewer - \$12,896.28; Water - \$46,620.24; School Department - \$1,440,455.00; and Fire Department - \$195,147.00 for a total of \$1,873,731.12; 3.) Executive Summary of Financial Reports for Month Ending March 31, 2012; 4.) Monthly Financial Reports for February and March 2012; 5.) Budget Committee Minutes for March 15, 22, 27 and 29 & April 4 and 9, 2012; 6.) Conservation Commission Minutes for February 14, 2012; 7.) Historic District Commission Minutes for January 23 and February 22, 2012; 8.) Parks & Recreation Commission Minutes for January 30 and February 27, 2012; 9.) Personnel Board Minutes for January 9, 2012; 10.) Planning Board Minutes for February 16 and March 8, 2012; 11.) Sewer Commission Minutes for January 18, 2012; 12.) Animal Control Monthly Report for March 2012; 13.) NSF&RS Inc. Monthly Report for March 2012; 14.) Resolutions from Towns of Burrillville, East Greenwich, Glocester, Jamestown, Narragansett and Warren; and 15.) Resolutions from

Cumberland, Exeter-West Greenwich, Newport, North Kingstown and Smithfield School Committees.

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TOWN'S TECHNOLOGY PLAN

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to approve the total cost for Phase II at \$33,250 with \$16,123.46 of the funding to come from ARRA and the remainder of \$17,126.52 to come from Contingency-Computers Account (4194-564).

CONTRACT FOR REDESIGN OF TOWN'S WEBSITE

Ms. Hamilton has spoken with Mr. Butash, the School Department's Director of Technology, and he is not sure he has the capability to accomplish this but he would like to look at the contract given to the town by Brave River Solutions. Ms. Hamilton did contact Brave River Solutions and they agreed to reduce the hosting cost by \$200 per month.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to table this to May 7th.

FIRE CODE VIOLATIONS AT POLICE STATION/MUNICIPAL ANNEX

Ms. Hamilton stated that Chief Reynolds had some ideas on this matter but was not able to attend this evening.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to table this to May 7th.

**SCHEDULING PUBLIC HEARING FOR ZONING ORDINANCE RE:
PARKING AND LOADING**

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 3 to 1 on an aye vote (Mr. Zwolenski voted no) to schedule the public hearing on August 6, 2012.

**VETO OF ORDINANCE RE: PUBLIC HEARINGS PRIOR TO APPROVAL
OF COLLECTIVE BARGAINING AGREEMENT OR PUBLIC UNION
CONTRACT**

Ms. Hamilton objected to this ordinance due to the fact that the school department, which comprises the largest portion of our budget, is not required, due to state law, to hold public hearings on contracts as well. Therefore, Ms. Hamilton vetoed this ordinance.

MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on an aye vote to receive and place on file Ms. Hamilton's letter vetoing the ordinance.

**OVERRIDE OF TOWN ADMINISTRATOR'S VETO OF ORDINANCE RE:
PUBLIC HEARINGS PRIOR TO APPROVAL OF COLLECTIVE
BARGAINING AGREEMENT OR PUBLIC UNION CONTRACT**

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 3 to 1 on

a roll call vote (Mr. Zwolenski voted no) to override the Town Administrator's veto.

BUDGET COMMITTEE RECOMMENDATIONS FOR 2012/2013 BUDGET
Budget Committee Chairman Paul Vadenais presented the recommendations of the committee. The total budget recommended is \$35,822,282. This is a decrease from the Administrator's recommended budget of \$8,824.

Mr. Silvia had strong reservations about the elimination of a fiscal clerk in his department.

Based on a request of the Budget Committee, MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to empower the Budget Committee to meet with Chief Reynolds and the Finance Director to help resolve the fire code, custody and overtime issues.

Ms. Hamilton commented on the lean staffing of the municipal and police departments. Removal of a fiscal clerk will leave a vacant union position and will more than likely lead to a grievance. She added that the \$70,000 reduction to the police department personnel item will result in arbitration as that money is used to pay holidays and shift differential to officers. There were several other areas where Ms. Hamilton disagreed including removal of \$700 for inauguration expenses, lack of salary increase for the planning assistant and reducing education line items. She asked for more

discussion to take place in the future between the administration and the Budget Committee prior to submittal of the budget.

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RESOLUTIONS RE: BINDING ARBITRATION AND CONTRACT CONTINUATION

Ms. Hamilton referred to resolutions from several cities and towns opposing these two issues and recommended that North Smithfield follow suit.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to create resolutions to bring back to the Council at a future meeting.

AWARD OF BID RE: POLICE DEPARTMENT VEHICLE

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 1 on an aye vote (Mr. Yazbak voted no) to award the bid for the purchase of one 2011 Ford Crown Victoria to MHQ in the amount of \$32,529.00 based upon the recommendations of the police chief and finance director.

AWARD OF BID RE: IT/IMC CONTRACT

MOTION by Mr. Yazbak and seconded by Mr. McGee and Mr. Zwolenski for discussion to award the bid for IT/IMC services for the

police department to Vaulted Computer Services in the amount of \$25,000 based upon the recommendation of the administration.

Mrs. Charest would like to see the two areas broken apart with the IT portion picked up by the school department and the IMC portion picked up by Mr. Senecal.

Ms. Hamilton offered to try to renegotiate the price with Mr. Senecal of Vaulted Computer Services.

Mr. Yazbak withdrew his motion; Mr. McGee and Mr. Zwolenski withdrew their seconds.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 to have the Town Administrator speak with Mr. Senecal of Vaulted Computer Services to see if he would be amenable to extending his current contract an additional month or two.

LUCILLE M. NEVEU SEWER VIOLATION NOTICE AND HARDSHIP REQUEST

Mr. Paul Nordstrom, Vice Chair of the Sewer Commission, explained that Mrs. Neveu, who lives in the 2009 Sewer District, had never received notice that she had one year to connect to the sewer system.

Mrs. Neveu began to pay her assessment and user fee as if she had connected to the system but she never did. She appeared before the Sewer Commission in 2011 and asked for a hardship but was told that

there is no hardship exception in the ordinance. Mrs. Neveu was told the commission could possibly do an extension but she would have to work with Sewer Administrator Jim Wilcox and follow proper procedures. After going back and forth with no decision being made, Mrs. Neveu was sent a letter in January 2012 explaining that she was in violation and had to connect by February 9, 2012. She appeared on February 8th ready to move forward with the extension. It was then learned that Mrs. Neveu had a cesspool which makes her ineligible to have the extension. The matter was turned over to the legal department. Subsequently her cesspool was pumped out and it was found that it meets the criteria for a septic system. The Sewer Commission agreed to make the case to the Council that, given the fact that Mrs. Neveu has been paying her sewer assessment and user fee, she has met the intent of the extension. The Sewer Commission made a motion that she be given the extension, that the legal action be withdrawn and that the requirement that she has her septic system inspected within three years of 2014 be dropped because she had it done in 2012.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to adopt the Sewer Commission's recommendation to grant an extension to Lucille M. Neveu at 3 Park Drive through 2014 with no requirement to reinspect prior to hook-up in 2014.

Mr. Nadeau recommended that the Assistant Town Solicitor be directed to stop the legal proceedings against Mrs. Neveu based

upon the Council's vote.

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**CDBG CONTRACT AGREEMENT WITH WOONSOCKET
NEIGHBORHOOD DEVELOPMENT CORP. D/B/A NEIGHBORWORKS
BLACKSTONE RIVER VALLEY**

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on an aye vote that WHEREAS, funds are available under the Rhode Island Community Development Block Grant Program, administered by the Department of Administration, Division of Planning, Office of Housing and Community Development; and WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said Department/Office to disburse such funds; and WHEREAS, it is in the interest of the citizens of the Town of North Smithfield that application be made to undertake a local Community Development Block Grant Program. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD that the filing of this application for the amount of \$63,840 to implement the activities proposed herein hereby authorized and that Town Administrator Paulette Hamilton (Chief Executive Officer) is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional

information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of North Smithfield in all matters relating to this application and any award which may be based upon this application. This contract agreement is contingent upon a favorable opinion of the Planning Board.

EXECUTIVE SESSION

Appointment of Assistant Solicitors for Police Prosecution Cases

Mr. Nadeau explained that this item was placed on the agenda at the request of Assistant Town Solicitor William Savastano. It was placed under executive session due to the content of the letter he sent to the Council. His letter discloses ongoing plea negotiations with two specific defendants who are town residents and it provides details of an alleged crime. Thus it is allowed to go into executive session. The request was made by Mr. Savastano due to the fact that he has a conflict of interest in prosecuting these two individuals. As has been done in the past, his request was to appoint substitute prosecutors just for those two cases. However, Mr. Savastano notified Mr. Nadeau today that the Attorney General had decided to assume jurisdiction over these cases and, through the Attorney General's office, a plea agreement has been reached and therefore the Town does not need to go forward with the prosecution and it does not need to be considered by the Council at this point.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to adjourn at 9:15 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk